IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2675 of 2015

Arising Out of PS. Case No.-159 Year-2013 Thana- GHANSHYAMPUR District- Darbhanga

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Prabhat Singh @ Prabhat Prasad Singh @ Prabhash Singh @ Prabhash Kumar Singh @ Prabhash Kumar (Prasad) Singh, S/O Late Devendra Singh Resident of village-Parari, P.S-Ghanshyampur, Distt.-Darbhanga

... ... Petitioner/s

Versus

1. State of Bihar.
2. Narayan Singh S/O Late Baidhyanath Prasad Singh Resident of village-Banagrahtta, P.S-Singhiya, Distt.-Samastipur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the State : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

3 12-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner has moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

> *"That this application is being filed for quashing of order dated 28.08.2014 passed in T.R. NO. 2743/2014 (G.R. No. 628/2013) arising out of Ghanshyampur Police Station Case No. 159 of 2013 by learned Sri Sudhir Sinha, Judicial Magistrate, 1st Class, Biraul at Benipur District -Darbhanga whereby and whereunder the Learned Magistrate had been pleased to take cognizance of the offences under sections 420, 406, 467, 468 and 471 of the Indian Penal Code against the petitioner and issued summons to him. The case is pending for trial*

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before in the court of Sri Rajaram Santosh Kr., Judicial Magistrate, First Class, Biraul at Benipur, District- Darbhanga in T.R. No. 2743 of 2014."

3. After some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the application with liberty to raise all points available to him at the appropriate stage before the Court below itself.

4. Learned A.P.P. does not oppose.

5. In view thereof, the application stands disposed off with liberty aforesaid.

6. It goes without saying that if the petitioner moves any application before the Court below itself at the appropriate stage, the same shall be considered on its own merit, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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